

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 04, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID G.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:20-cv-5158-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On April 26, 2021, the parties filed a Stipulated Motion for Remand. ECF No. 16. The parties agree the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below. The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is
GRANTED.
2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- reassess the medical evidence, the opinions of record (including those of N.K. Marks, Ph.D.), statements made by third parties, (especially those of Plaintiff's mother), the residual functional capacity, and the new evidence submitted to the Appeals Council;
- obtain vocational expert evidence, and
- offer Plaintiff the opportunity for a hearing, act as needed to complete the administrative record, and issue a new decision.

4. Pending motions are **DENIED AS MOOT** and hearings **STRICKEN**.

5. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

6. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 4th day of April 2021.



EDWARD F. SHEA
Senior United States District Judge